

NEIFELD DOCKET NO: CAT29US-SCRCO3

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

CONFIRMATION NO. 6599

MICHAEL C. SCROGGIE ET AL.

US APPLICATION NO: 09/756,788

FILING DATE: January 10, 2001

GROUP ART UNIT: 3622

EXAMINER: JANVIER

TITLE: System and Method for Providing Shopping Aids and Incentives to Customers Through a Computer Network

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

In response to the notification of non-compliant appeal brief mailed September 21, 2006, the appellant responds as follows.

In item 1, the examiner asserted: "The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order."

In response, does not know what the examiner is requiring since the foregoing contains no specificity of items missing or not in the proper order. However, after a detailed review of the rules and the brief, the appellant notes that the statement in the prior brief on page 41 that no evidence was submitted with the brief was incorrect. In fact, the appellant submitted attachment 1 which was a dictionary definition of "internet address" with that brief. Accordingly, the fourth supplemental brief, which is submitted herewith specifies this piece of evidence is attached and identifies where in the record it was filed.

In item 4, the examiner asserted: "(a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to

the specification by page a line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v))."

In response to assertion (a), the fourth supplemental appeal brief (relative to the prior brief) cites to some figures and reference numerals, where appropriate, in the showing of support for the independent claims.

In response to assertion (b), the appellant has reviewed the claims and concludes that there are no dependent claims both argued separately and containing means plus function recitations.

In item 10, the examiner asserted: "Support in the specification, i.e. page and line numbers, must be provided and included in the "Summary of the claimed subject matter" for each argued independent claim and each dependent claim argued separately. In the current Brief, although support is provided for argued independent claims 32, 38, 44, 50, 54, 57, and 58, however, the Brief does not include therein any support for argued dependent claims 34, 40, 46, 35, 41, 47, 52, 55, 67, 83, 76, 59 and so on.

In response, the appellant submits this assertion is erroneous. There are no dependent claims both argued separately and containing means plus function recitations.

Although not specified in the notice, the appellant fourth supplemental appeal brief contains updated the information regarding “related appeals and interferences” and “related proceedings appendix” relative to the prior brief.

Respectfully Submitted,

10/17/2006

/Richard Neifeld#35,299/

Date

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